

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ricky Nguyen,

Complainant,

vs.

California American Water Company (U210W),

Defendant.

(ECP)

Case 13-02-011

(Filed February 19, 2013)

DECISION RESOLVING COMPLAINT**Summary**

Complainant, Ricky Nguyen, seeks a reduction in water usage charges from \$857.06 to \$95.44 for the month of June 2012. The complainant's request for a further reduction in his bill is partially granted, and the matter is closed.

Complainant's Contention

Complainant asserts that it is not possible that he used 99,300 gallons of water during the month of June 2012, for which he was billed \$4,965.83. Complainant contends that the adjustments provided by Defendant to date are not sufficient, and that his water bill for July 2012 should be lowered to his monthly average of \$95.44 per month.

Complainant testified, under oath, that he quickly learned of the high cost of water usage in Monterey County in August 2011, the month after he and his

family moved into their current home at 9150 Carmel Valley Road in Carmel¹ and received a \$902.22 bill from Defendant for 34,000 gallons of water usage during the month of July 2011. Complainant testified that he contacted Defendant, received a bill credit that reduced his billing to \$65.12 for the use of 8,000 gallons of water, and immediately undertook to reduce his water usage by ensuring that his water usage is consistently efficient. He attributed the July 2011 high water usage to overwatering of his landscaping. He testified that he has installed 1.2 gallon flush toilets in all four bathrooms, that a low-flow washer and dryer are required by the deed to the property, and that these efficiency measures have been signed off by the local water resource management agency. He further testified that he has installed low water, drought resistant landscape, that the lawn is watered once per week by the gardener, that everything else is watered by a drip irrigation system that has been operated manually since he removed the timer after the first high bill in August 2011, and that the only water spigots that exist on his property are located on his back deck within full view of the seven people who live in the home – thus significantly reducing (if not eliminating) the possibility of water flowing undetected from these spigots. Lastly, the Complainant testified that he once used a water hose to fill a 20,000 gallon swimming pool at a previous residence, so he knows how long it takes to draw that much water; therefore, he is absolutely convinced that no one living on or around his property would have failed to notice a water leak or someone stealing the equivalent of four swimming pools of water.

¹ The home is “just under” 4,400 square feet in size, has five bedrooms and four bathrooms and is occupied by Mr. Nguyen, his wife, their three children and his wife’s parents.

Defendant's Contention

In its answer to this complaint, Defendant admits that Complainant's average water usage for the eleven months of calendar year 2012 that are not in dispute is 12,300 gallons per month, resulting in an average monthly billing of \$126.56. Defendant's representatives testified that they removed, tested and replaced the water meter in use at the Complainant's residence on August 15, 2012, that the meter tested within the limits of General Order 103A, and that the meter was replaced due to its age, not its level of accuracy. Defendant's representatives asserted that the adjustments made to Complainant's disputed bill were made in accordance with their practices related to adjustments to utility customer accounts, that they have not violated any laws or any of the Commission's rules or orders, and that the high level of water usage was likely related to a leaking toilet or water left running and unattended either inside or outside the Complainant's home.

Discussion

The Complainant's August 2011 actions in immediately and comprehensively addressing the efficiency of his family's water usage deserves considerable evidentiary weight. The high water usage recorded by the Defendant's meter in June 2012 has been thoroughly investigated by both Parties to this Complainant, and yet its occurrence remains inexplicable. In the interest of equity, the Complainant's outstanding billing for June 2012 should be reduced from \$857.06 to his 2012 average billing of \$126.56.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Richard W. Clark is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. The Defendant, California American Water Company, is directed to reduce Complainant's water use billing for the month of June 2012 to \$126.56.
2. The Complainant, Ricky Nguyen is directed to pay the Defendant the sum of \$126.56 for water usage during the month of June 2012.
3. Case 13-02-011 is closed.

This order is effective today.

Dated _____, at San Francisco, California.